

BUSINESS REPORT

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

Date: Tuesday, February 17, 2009

Place: Capitol

Time: 3:00 pm

Room: 405

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 291, SB 385, SB 386, SB 443, SB 457

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

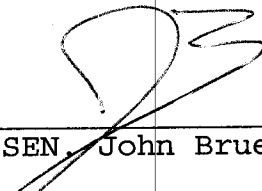
SB 291 tabled SB 443 tabled _____

SB 457 DPAA SB 278 postponed _____

SB 385 postponed _____

SB 386 tabled _____

COMMENTS:



SEN. John Brueggeman, Chairman

MONTANA STATE SENATE
Roll Call
HIGHWAYS & TRANSPORTATION COMMITTEE

DATE: 2/17/09

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR JOHN BRUEGGEMAN, CHAIRMAN	✓	
SENATOR BRUCE TUTVEDT, VICE CHAIR	✓	
SENATOR GREG HINKLE		✓
SENATOR JIM KEANE	✓	
SENATOR RICK LAIBLE	✓	
SENATOR JESSE LASLOVICH	✓	
SENATOR DAVID WANZENRIED	✓	
SENATOR JONATHAN WINDY BOY	✓	
SENATOR RYAN ZINKE	✓	

COMMITTEE FILE COPY

TABLED BILL

The **SENATE STATE ADMINISTRATION COMMITTEE** TABLED **SB 291**, by motion, on **Friday, February 20, 2009**.

(For the Committee)


(Secretary of the Senate)

10:55 / 2/18
(Time) (Date)

February 18, 2009

Libby Goodwin, Secretary

Phone: 444-4783



SENATE STANDING COMMITTEE REPORT

February 18, 2009

Page 1 of 3

Mr. President:

We, your committee on **Highways and Transportation** recommend that **Senate Bill 457** (first reading copy -- white) **do pass as amended**.

Signed: _____

Senator John Brueggeman, Chair

And, that such amendments read:

1. Page 1, line 27.

Following: "assurances"

Strike: "they have no authority or capability to make."

Insert: "are difficult to comply with; and"

2. Page 1, line 28.

Following: line 27

Insert: "WHEREAS, Montana has roads with outstanding qualifications for scenic-historic byway designation and these roads have significant need for new funding opportunities for project funding."

3. Page 2, line 2.

Following: "applications"

Insert: "submitted by the local government or governments of jurisdiction"

4. Page 2, line 12.

Following: "East Glacier;"

Strike: "and"

5. Page 2, line 13.

Following: "street"

Strike: "."

Insert: ";

Committee Vote:

Yes 9, No 0

Fiscal Note Required ☐

SB0457001SC.sdr

6. Page 2, line 14.

Following: line 13

Insert: "(g) bureau of Indian affairs route 114 and county road 234; and

(h) Harding way highway from Butte to Whitehall."

7. Page 2, line 15 through page 3, line 25.

Strike: section 2 in its entirety

Insert: "**Section 2.** Section 60-2-602, MCA, is amended to read:

"60-2-602. Scenic-historic byways program -- rules. (1) The department shall adopt rules to effectively administer the scenic-historic byways program. The rules must include the criteria that will be considered for designating a road for inclusion in the scenic-historic byways program.

(2) In developing the criteria, to be included in the rules, for designating a road for inclusion in the scenic-historic byways program, the advisory council, commission, and department shall specifically address:

(a) factors that allow each locality choosing to participate in or seeking participation in the scenic-historic byways program the opportunity to:

- (i) enhance the experience of the traveling public;
- (ii) stimulate or allow for economic development and new marketing strategies; or
- (iii) preserve intrinsic resources for the benefit of future generations;

(b) a methodology by which a locality choosing to participate in or seeking participation in the scenic-historic byways program may participate in the national scenic byways program, described in section 1047 of Public Law 102-240;

(c) means by which a road may be excluded from designation as a scenic-historic byway by:

- (i) an incorporated municipality for a road or segment of a road within its jurisdiction; or
- (ii) a landowner for a road or segment of a road adjacent to the landowner's private property;

(d) factors to be considered in assessing the intrinsic, scenic, historic, recreational, cultural, archaeological, educational, or natural qualities of the road nominated for inclusion in the scenic-historic byways program;

(e) factors to be considered in a locality's corridor management plan, including that the plan:

(i) serves as a visioning tool to provide direction for enhancing and marketing the corridor, but not as a land management document, zoning tool or mandate, highway improvement scoping or prioritization document, or highway management document;

(ii) accommodates commerce and commercial vehicles and maintains a safe and efficient level of highway services;

(iii) protects private property rights, including assurances

that the private property rights of a person who owns land adjacent to or visible from the road are not in any way diminished by the road being designated a scenic-historic byway or are accommodated through mutually agreeable compensation;

(iv) precludes the locality having adopted the corridor management plan from establishing goals or commitments outside the locality's jurisdiction; and

(v) has accommodated all jurisdictions affected or to be affected by the designation of a road as a scenic-historic byway; and

(f) procedures to ensure that localities choosing to participate in the scenic-historic byways program:

(i) may exclude from designation any segment of a highway that is inconsistent with the state's criteria for designating scenic-historic byways. Within an excluded segment, a locality may allow off-premises advertising in the form of billboards or painted signs, subject to applicable federal, state, or local laws. Within an excluded segment, a locality may allow off-premises advertising in the form of billboards or painted signs, subject to applicable federal, state, or local laws.

(ii) may use signage recognized as exceptions or as information signs in all areas along a designated route, provided that the signage complies with 23 U.S.C. 131, Title 60, chapter 5, part 5, Title 75, chapter 15, part 1, and all applicable state or locally adopted rules, requirements, and restrictions.""


- END -

COMMITTEE FILE COPY

TABLED BILL

The **SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE** TABLED **SB 386**, by motion, on
Tuesday, February 17, 2009.

(For the Committee)


(Secretary of the Senate)

2:08 / 2/20
(Time) (Date)

February 20, 2009

Libby Goodwin, Secretary


Phone: 444-4783

COMMITTEE FILE COPY

TABLED BILL

The **SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE** TABLED **SB 443**, by motion, on
Tuesday, February 17, 2009.

(For the Committee)


(Secretary of the Senate)

10:55, 2/18
(Time) (Date)

February 18, 2009

Libby Goodwin, Secretary

Phone: 444-4783

MONTANA STATE SENATE
Roll Call Vote
HIGHWAYS & TRANSPORTATION COMMITTEE

DATE 2/17/09 BILL NO 58291 MOTION NO. _____
 MOTION: DPAA

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE		✓	✓
SENATOR JIM KEANE	✓		
SENATOR RICK LAIBLE		✓	
SENATOR JESSE LASLOVICH		✓	
SENATOR DAVID WANZENRIED		✓	✓
SENATOR JONATHAN WINDY BOY	✓		✓
SENATOR RYAN ZINKE		✓	✓
SENATOR BRUCE TUTVEDT, VICE CHAIR		✓	
SENATOR JOHN BRUEGGEMAN, CHAIR	✓		

MONTANA STATE SENATE
Roll Call Vote
HIGHWAYS & TRANSPORTATION COMMITTEE

DATE 2/12/09 BILL NO SB443 MOTION NO. _____
MOTION: Table

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE	✓		✓
SENATOR JIM KEANE		✓	
SENATOR RICK LAIBLE	✓		
SENATOR JESSE LASLOVICH		✓	
SENATOR DAVID WANZENRIED	✓		✓
SENATOR JONATHAN WINDY BOY	✓		✓
SENATOR RYAN ZINKE	✓		✓
SENATOR BRUCE TUTVEDT, VICE CHAIR	✓		
SENATOR JOHN BRUEGGEMAN, CHAIR	✓		

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Highways Committee
because of other commitments. I desire to leave my proxy vote with:
LOLOVICH

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 029102. Am	X	
SB 291 As Amended		X
SB 045701. Am	X	
Leave Amndt. 1 re Section 2		X
Leave Amndt. 2 re Butte Hwy	X	
SB 457 As Amended	X	
SB 786 386		X
SB 443 TABLE	X	

BILL/AMENDMENT	AYE	NO

Sen. WANZONARD Date 2.17.09
(Signature)

AUTHORIZED SENATE COMMITTEE PROXY

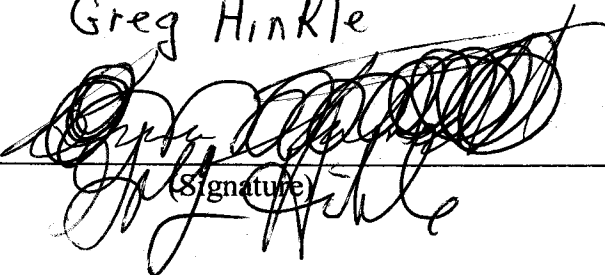
I request to be excused from Transportation Committee
because of other commitments. I desire to leave my proxy vote with:

~~Bruce Tutvedt~~ Bruce Tutvedt

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
SB 291 Amend	X				
SB 291		X			
SB 457 amend	X				
SB 457 amend	X				
SB 457 amend	X				
SB 457	X				
SB 386 Table	X				
SB 443 Table	X				

Greg Hinkle

Sen. 
(Signature)

Date _____

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Highways Committee
because of other commitments. I desire to leave my proxy vote with:

CASLOVICH

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE

NO

BILL/AMENDMENT

AYE

NO

SB 029102. ASN	X	
SB 291 As Amended	X	
SB 045701. ARW	X	
Legis Amended. 1 Re Section 2	X	
Legis Amended. 2 Re Butte Highway	X	
SB 457 As Amended	X	
SB 386 386		X
SB 443 TABLE	X	

Sen. 

(Signature)

Date 2.17.09

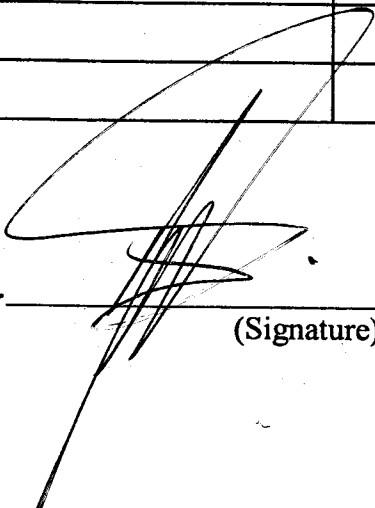
AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Highways + Transportation Committee because of other commitments. I desire to leave my proxy vote with:

Senator Tutvedt

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
SB 291 Amend	✓	✓			
SB 291 as amended		✓			
SB 457 Amend 1	✓				
SB 457 Amend 2	✓				
SB 457 Amend 3	✓				
SB 457 as amended	✓				
SB 386 table	✓				
SB 443 table	✓				
SB 291					

Sen.  _____
(Signature)

Date 2/17/09

MONTANA STATE SENATE
Visitors Register

Highways & Transportation Committee

Date 2-17-09

Bill No. SB 291 Sponsor(s) Black

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Leo Berry	BWSI	X	W/ Amendments	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Highways & Transportation Committee

Date 2-17-09

Bill No. ^{SB} 443 Sponsor(s) Black

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Name and Address	Representing	Support	Oppose	Inf.
EVAN BARRATT	RSCC		X	
Larry Borden	self	X		
Joel Clairmont	MT Dept of Ag		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Highways & Transportation Committee

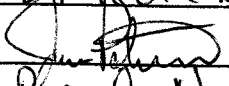
Date 2-17-09

Bill No. SB 385 Sponsor(s) Story

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Name and Address	Representing	Support	Oppose	Inf.
#1 Nicole Rolf	MT Farm Bureau	X		
	SD 15	✓		
Brent Nordlund	DOT/MVD			X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Highways & Transportation Committee

Date 2-17-09

Bill No. SB 386 Sponsor(s) Story

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Name and Address	Representing	Support	Oppose	Inf.
Nicole Rolf	MT Farm Bureau			
Jim Peterson	SD IS	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Highways & Transportation Committee

Date 2-17-09

Bill No. ^{SB} 457 Sponsor(s) Branee

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Name and Address	Representing	Support	Oppose	Inf.
Mike Penfold 3552 Proostwick Rd Billings	Frontier Heritage Alliance	✓		
Howard Boggs 2802 Proostwick Rd Billings	FRONTIER HERITAGE ALLIANCE			
Dave Galt	MPA		✓	
John Yonkey	MFB		✓	
Rick McAlmon &	LARKER		✓	
Tony Marchi	PHILIPSBURG CHAMBER	✓		
Barry Slag	MMCA		X	
Jason Tothunter	MLA		X	
Ed BARTLETT	CITY OF BILLINGS	X		
Tom Allen	WETA		X	
Brian M.			
Dave Galt	on behalf of State Senators		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.